D.B. CIVIL SPECIAL APPEAL NO.47/2007.
[SMT. MANGI DEVI & ORS. VS. ADDL. DISTRICT [FT] NO.2 JODHPUR & ORS.

DATED : 19.01.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.M.R.Singhvi for appellant.

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Having heard learned counsel for the appellant we are of the opinion that no interference is called for in the order passed by the Addl. District Judge, [Fast Track No.2] in refusing to implead the applicants claiming some title in the property which is the subject matter of a suit for specific performance of contract between the parties to the suit.

The appellants being not privy to the contract, which is sought to be specifically enforced, are not necessary parties to be impleaded in suit and, therefore, if the trial court has declined to implead them parties to the pending suit, it cannot be said that the trial court has committed any error of jurisdiction. The claim of the petitioners would necessarily require an inquiry into their title vis-a-is contracting parties, which is not the scope and ambit of a suit for specific performance of an agreement to sale an immovable property. Moreover, the right, title and interest, if any, claimed by the petitioners remain unaffected by the orders passed in the suit for specific performance of contract between the contracting parties and, therefore, they do not suffer any legal injury by not being impleaded as party to that suit.

Consequently, this appeal fails and is hereby dismissed.

[CHATRA RAM JAT],J. **[RAJESH BALIA], J.**

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